

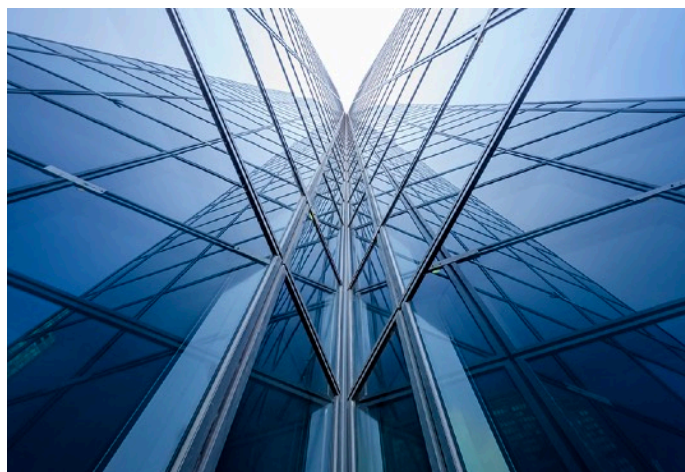
# ROADMAP

## 2022-2023

The French economy is facing major challenges both in the long term - digitisation of the economy, development of new digital markets consolidating the strategic role of the major stakeholders, issues of data collection and data sharing by economic stakeholders, urgency of the fight against climate change - and in the short term - multiple consequences of the Covid-19 crisis and the war in Ukraine, purchasing power crisis, rising inflation and high public debt. It is in this context that the *Autorité de la concurrence* is announcing its roadmap for 2022. Convinced that fair competition in the markets is a necessary condition for innovation and for a fair distribution of value, the *Autorité* intends to play a driving role, in accordance with its mandate, to support the necessary transformations of the French economy in an European framework.

In 2022, the *Autorité* will deploy its action over several thematic objectives aimed at encouraging the proper competitive functioning of digital markets, participating in efforts to combat climate change, contributing to the preservation of purchasing power, combating anticompetitive practices affecting public resources, promoting a culture of competition, guaranteeing the efficiency and responsiveness of the *Autorité*, and ensuring the proper coordination of its independent action with other public policy objectives.

## TAKING ACTION TO ENSURE THE COMPETITIVE FUNCTIONING OF DIGITAL MARKETS



The *Autorité* will continue to decode the issues related to the development of digital markets and the practices of the major stakeholders in the sector that it has been working on for several years. With this in mind, at the beginning of the year the *Autorité* launched a sector-specific inquiry to understand the functioning of the cloud computing sector and competition issues at stake. The *Autorité*, in conjunction with other

regulators and in particular the French data protection agency (CNIL), will also pay attention to the ever-increasing role of data in the economy and to interactions with other bodies of rules, such as the rules on personal data protection or future European texts on the data economy, such as the Data Act.

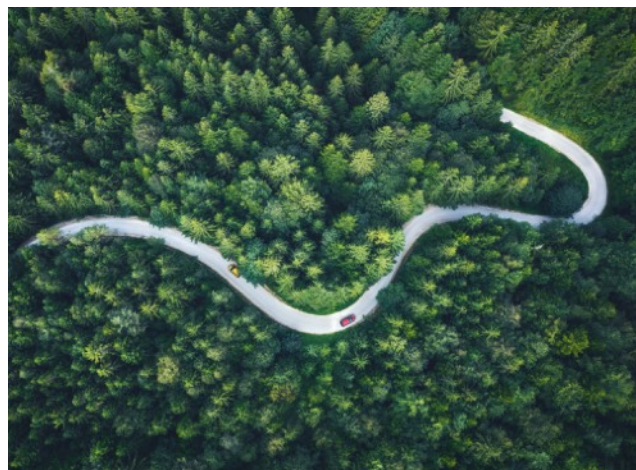
The *Autorité* will continue to use all the tools at its disposal to sanction anticompetitive practices and control mergers, including the new tools created by the ECN+ Directive (*see below*), to ensure the proper competitive functioning of digital markets and respond rapidly to identified malfunctions.

The Digital Economy Unit will continue to develop investigative tools, for example for monitoring public procurement, and to lead the internal cross-functional working group on issues related to digital markets.

In addition, the *Autorité* will work with the European Commission and the relevant French authorities to prepare for the entry into force of the European Digital Markets Act in order to take advantage of all the new possibilities offered by this legislation that supplement its litigation and merger control activities.

On all these issues, the *Autorité* is already cooperating closely with the national regulatory authorities competent in these matters, and is actively participating in the work carried out within the European Competition Network (ECN), the International Competition Network (ICN), the OECD and the G7.

## CONTRIBUTING TO THE FIGHT AGAINST CLIMATE CHANGE



The *Autorité* will remain committed to the sustainable development goals set by the Climate Law at national level and by the Green Deal at European level. In this context, the *Autorité* will, on the one hand, pay particular attention to the most harmful anticompetitive practices in terms of sustainable development and, on the other hand, will support companies willing to promote virtuous behaviours, in the spirit of the European Commission's new horizontal guidelines.

Sustainable development considerations will therefore play an increasingly important role in the *Autorité*'s practice, requiring it to adapt its analysis to these new issues. The *Autorité* is fully mobilised to meet this new challenge, firstly through its internal sustainable development network, which is responsible for improving the expertise of the *Autorité* on these subjects, and secondly by striving to raise the awareness of all



stakeholders, whether from the public or the private sector, of competition issues involved in the efforts to combat climate change.

The *Autorité* will continue to cooperate with the authorities involved in these issues, beyond competition policy alone, to achieve synergies and adopt a coherent approach to the common problems identified. Lastly, it will continue to be involved in the international work of the ECN, the OECD and the ICN.

## PRESERVING CONSUMER PURCHASING POWER IN TIMES OF CRISIS



The *Autorité* is fully aware of the social and economic consequences of the crisis period that the French economy is going through (Covid-19 crisis, war in Ukraine) and will ensure that competition supports its competitiveness and the purchasing power of consumers. The *Autorité* is therefore particularly involved in the fight against anticompetitive practices that could harm the purchasing power of French

consumers and recalls that, even at a time of crisis, the application of competition law is a guarantee of a dynamic and innovative economy that benefits consumers. It will act within the framework of the ECN's joint statements on the Covid-19 crisis and the war in Ukraine, which identify the options available to companies to deal with these exceptional circumstances in compliance with competition law.

In addition to its repressive action, the *Autorité* will also be able to advise policy-makers on pro-competitive reforms that can be implemented for the benefit of consumers. As part of its consultative function, it will be ready to respond to requests from policy-makers in the context of the drafting of laws or regulations, the preparation of reforms or in the event of crisis situations. The *Autorité* will also be able to conduct sector-specific inquiries

on its own initiative in order to identify market malfunctions and propose recommendations that may lead to concrete measures to improve purchasing power.

## FIGHTING ANTICOMPETITIVE PRACTICES AFFECTING PUBLIC RESOURCES

In a context of high public debt, the *Autorité* will be involved in the fight against practices that directly affect public finances, for example by distorting public procurement rules. The *Autorité* is developing digital tools for effectively detecting this type of practice.



## PROMOTING A COMPETITION CULTURE

The *Autorité* will continue its commitment towards the dissemination of a competition culture in the French economy. It intends to continue its educational approach to convince everyone, private stakeholders, policy-makers and consumers, of the benefits that the competitive functioning of markets can bring. To this end, the *Autorité* will soon publish its framework document on compliance programmes in order to inform private stakeholders of the main principles that should guide their actions and will continue the dialogue with all stakeholders.

# ENSURING THE EFFICIENCY AND RESPONSIVENESS OF THE *AUTORITÉ* IN A DYNAMIC ENVIRONMENT



The ECN+ Directive, transposed by Ordinance 2021-649 of 26 May 2021, and the so-called DDADUE law of 3 December 2020 have vested the *Autorité* with new powers and modernised some of its procedures. The *Autorité* will take advantage of the new tools granted by the legislator to guarantee the effectiveness and responsiveness of its action, including the introduction of the ability to reject non-priority complaints, the possibility of imposing interim measures on its own initiative, the modernisation of its

leniency procedure, the use of the new simplified litigation procedure, the application of its Notice on fines, more frequent use of the single-judge formation and the application of the new provisions relating to dawn raids. In the area of merger control, the *Autorité* will continue to pay particular attention to the possibility offered by Article 22 of the Merger control regulation to refer mergers that do not meet the mandatory notification thresholds.

The *Autorité* will actively participate in the work carried out at the European level to modernise competition policy, including the revision of Regulation 1/2003 and the revision of the Notice on the definition of relevant markets.

# ENSURING THE CONSISTENCY OF THE *AUTORITÉ*'S ACTIONS WITH OTHER PUBLIC POLICY OBJECTIVES

When performing its duty, the *Autorité* regularly faces practices that can be analysed both under competition law and under other standards that serve different purposes. This is the case for the many practices that can be examined under competition law, as well as under the GDPR, the DMA, sector-specific regulations and criminal law. In this context, the *Autorité* will maintain close cooperation with the competent authorities and administrations to ensure the optimal coordination of their actions and promote a coherent approach to common issues.